

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

RICHARD A. McCURDY, JR., et al.	:	CIVIL ACTION
	:	
v.	:	No. 02-3703
	:	
NET CONSTRUCTION, INC.	:	

**PLAINTIFFS' PETITION TO REDUCE ORDER
AWARDING SANCTIONS TO JUDGMENT**

Plaintiffs, by and through their attorneys, Masterson, Braunfeld & Milner, LLP, hereby petition this Court to reduce to a judgment the Order of April 23, 2003 awarding sanctions and in support thereof aver as follows:

1. On or about April 12, 2003, Plaintiffs filed a Petition to hold Defendant, Net Construction, Inc. and its President, Christopher Colletti, in contempt of a Court Order of February 21, 2003.

2. Following a hearing on April 23, 2003, the Court entered the Order attached as Exhibit "A" hereto granting the Petition and imposing sanctions upon Net Construction, Inc. and its President, Christopher Colletti.

3. The Court Order imposed a fine of \$750.00 per day for the failure to comply with its Order of February 21, 2003 plus additional sanctions at the rate of \$100.00 per day for each day that Net Construction failed to comply with the Court's Order of February 21, 2003.

4. The Court's Order of February 21, 2003 required production of various records. A true and correct copy of this Court's Order of February 21, 2003 is attached as Exhibit "B" hereto.

5. In accordance with the Court's instruction, a certified copy of the Court's Order of April 23, 2003 was personally served upon the President of Net Construction, Christopher Colletti. Service was effected on April 23, 2003 at 2:54 p.m. A true and correct copy of the Proof of Service is attached as Exhibit "C" hereto.

6. That Order required Net Construction to produce certain specified documents and items to Plaintiffs' accountant, Perry N. Blackman, CPA, within ten (10) days of April 23, 2003.

7. Net Construction has not produced any of the required information to Perry N. Blackman, CPA. See Affidavit of Perry N. Blackman, CPA, attached as Exhibit "D" hereto. As of today's date, eighty-six (86) days have passed. Accordingly, as of the date of the filing of this Petition, sanctions pursuant to this Court's Order have accrued in the amount of \$9,570.00.

8. Plaintiffs respectfully ask this Court to enter judgment in its favor in the amount of \$9,570.00 for sanctions through July 22, 2003 plus an amount representing additional fines accruing at the rate of \$100.00 per day for each successive day subsequent to July 22, 2003.

9. Plaintiffs may make application to amend the judgment

to reflect supplemental fines accruing.

Respectfully submitted,

MASTERSON, BRAUNFELD & MILNER, LLP

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